

REMARKS

The specification has been amended to include descriptions of the newly added drawing Figures 2A and Figure 6A. Figure 2A has been added to provide a clearer, more magnified view of the hinged cover shown in Figure 2, which has also been amended to show the hinged cover more clearly. Figure 6A has been added to provide a side perspective view of the hinged cover shown in Figure 6, and more clearly shows the structure depicted in FIG. 6 that distinguishes the claimed invention from the prior art.

No new matter has been entered by any of the foregoing amendments.

An exemplary specimen is included as Exhibit A for the Examiner's inspection.

Independent claims 1, 3, 5, 7, 9, 11, 13, 15, 17, and 19-21 have been amended to clarify the invention and better define the invention over the prior art. More particularly, these independent claims have been amended to reflect the structure best seen in Figures 6 and 6A, which is novel. As shown, when the claimed invention is opened such that the front panel 32 and rear panel 33 are disposed 180 degrees with respect to each other, the outside surfaces of the panels are coplanar with the inside surface of the spine 30, i.e., a line extending across and adjacent to the outside surface of the front 32 and rear 33 panels is also adjacent to the inside surface of the spine. This structure is shown in Figures 6 and 6A and enables the spine to remain at 90 degrees with respect to the panels when the cover is closed, independent of the contents between the panels.

Turning to the art rejections, and first considering the rejection of claims 7-10 under the second paragraph of 35 U.S.C. § 112 as being indefinite, independent claims 7 and 9 have been amended to more clearly define the claimed matter. From claim 7 the expression "plurality of

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pages” has been removed, as that is not an essential element of claim 7, but one of many potential objects that may be placed within the claimed book cover. Examples are listed in claim 8, which depends from claim 7. With regard to claim 9, the feature “wherein at least one object is disposed between said rigid cover panels” has been added to more clearly show that the width of the spine is greater than the thickness of the panels and all objects housed therein. Claim 10 depends from claim 9 and is patentable for the same reasons given regarding claim 9, as well as for its own additional limitations. Having more clearly defined independent claims 7 and 9, it is respectfully requested that the rejection of claims 7 and 9 and the claims that depend therefrom as indefinite be withdrawn.

Turning to the rejection of claims 1-8, 9-12, 15-18 and 21 under 35 U.S.C. § 102(b) as anticipated by Moser '250 (U.S. Pat. No. 5,609,250) or Kollinek (U.S. Pat. No. 5,351,823), these claims, as amended, contain two additional limitations that are not taught by the references. First, the claims require that the outer surfaces of the rigid panels be essentially coplanar with the inner surface of the spine when the cover is opened to a position in which the rigid panels are disposed at 180 degrees with respect to each other. Second, the claims require that the inward rotation of each rigid panel be constrained by contact with the spine and independently of contact with any other surface. Neither Moser '250 nor Kollinek teaches a spine and two rigid panels wherein the outer surfaces of the rigid panels are essentially coplanar with the inner surface of the spine when the cover is opened to a position in which the rigid panels are disposed at 180 degrees to one another. Moser '250 (FIG. 5) teaches a front flap 34 and rear flap 36 made of a single flexible sheet 30, not a rigid material. The spine 38 is disposed between the flap portions in a laterally spaced side-by-side relation. (Col. 4, lines 45-

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51). Therefore, it is the outside surface, not the inside surface, of spine 38 that is essentially coplanar with the outside surfaces of flexible flaps 34 and 36, as shown in the Figure. Turning to Kollinek, FIG. 3 clearly shows a spine 13 disposed between a base part 11 and a cover part 12. It can be clearly seen from this figure that it is the outside surface, not the inside surface, of spine 13 that is essentially coplanar with the outside surface of base part 11 and cover part 12.

Moreover, there are other distinctions. Neither Moser '250 nor Kollinek teaches a spine and rigid panels wherein the rotation of each rigid panel is constrained by contact with the spine and independently of contact with any other surface. Moser '250 teaches that "tray portions 20 and 22 stack together so that inward step shoulder 46 cooperatively mates with outward step shoulder 72, latch projections 56 are releasably engaged in depressions 78 and raised ridges 80 are received in recesses 60." (Col. 5, lines 32-36). These interlocking trays taught by Moser '250 teach away from rigid panels wherein the rotation of each panel is constrained by contact with the spine and independently of contact with any other surface. Likewise, Kollinek teaches that "[a]n important feature of the present invention is the locking closure 25 for the case. . . . As will be noted, the closure 25 comprises a male part 27 on the cover wall 15' which engages a female part 28 on the base wall 15. The mating parts 27, 28 are configured in the form of half-rounds that when engaged for an easy-closing positive lock between the case cover and base." (Col. 3, lines 42-51). This locking mechanism teaches away from rigid panels wherein the rotation of each panel is constrained by contact with the spine and independently of contact with any other surface. Thus, independent claims 1, 3, 5, 7, 9, 11, 15, 17 and 21, and claims 2, 4, 6, 8, 10, 12, 16 and 18 which depend therefrom, are not

anticipated by either Moser '250 or Kollinek and it is respectfully requested that the rejections based thereon be withdrawn.

Turning to the obviousness rejection of claims 19 and 20 as unpatentable over Moser '250 or Kollinek in view of Moser '821 (U.S. Pat. No. 5,950,821), these claims, as amended, contain two additional limitations that are not taught by the references. First, the claims require that the outer surfaces of the rigid panels be essentially coplanar with the inner surface of the spine when the cover is opened to a position in which the rigid panels are disposed at 180 degrees with respect to each other. Second, the claims require that the inward rotation of each rigid panel be constrained by contact with the spine and independently of contact with any other surface. Moser '821 does not supply the missing teachings to either primary reference to render the claimed invention obvious. Moser '821 does not teach a spine and two rigid panels wherein the outer surfaces of the rigid panels are essentially coplanar with the inner surface of the spine when the cover is opened to a position in which the rigid panels are disposed at 180 degrees to one another. In fact, Moser '821 does not teach even teach spine and two rigid panels. Moser '821 teaches a clear plastic sheet 48 that connects top panel 11 and bottom panel 12. Side panel 52 is simply the portion of clear plastic sheet 48 that is disposed between top panel 11 and bottom panel 12. Thus, the inside surface of side panel 52 cannot be essentially coplanar with the outside surface of top panel 11 and bottom panel 12. (Col. 4, lines 6-14). Furthermore, Moser '821 does not teach a spine and rigid panels wherein the rotation of each rigid panel is constrained by contact with the spine and independently of contact with any other surface. Moser '821 does not teach a spine at all. Side panel 52 is a flexible plastic sheet that does not constrain the rotation of top panel 11 and bottom panel 12 whatsoever. The rotation of

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these panels is solely constrained by the contact and frictional fit of top panel 11 with bottom panel 12. (Col. 3, lines 60-64). Accordingly, Moser '821 alone or in combination with Moser '250 or Kollinek fails to teach the invention claimed in claims 19 and 20. It is respectfully requested that this obviousness rejection be withdrawn.

Turning to the rejection of claims 5, 6, 11, 12, and 22 under 35 U.S.C. § 102(b) as anticipated by Pearce (U.S. Pat. No. 6,039,494), independent claims 5 and 11, as amended, contain two additional limitations that are not taught by the references. First, the claims require that the outer surfaces of the rigid panels be essentially coplanar with the inner surface of the spine when the cover is opened to a position in which the rigid panels are disposed at 180 degrees with respect to each other. Second, the claims require that the inward rotation of each rigid panel be constrained by contact with the spine and independently of contact with any other surface. Pearce does not teach a spine and two rigid panels wherein the outer surfaces of the rigid panels are essentially coplanar with the inner surface of the spine when the cover is opened to a position in which the rigid panels are disposed at 180 degrees to one another. FIG. 1 shows that outside surface of spine portion 26 is coplanar with the outside surfaces of front cover portion 22 and rear cover portion 24. Pearce teaches that preferably the front cover portion, rear cover portion and spine portion of the cover are integrally formed on a substrate and hinge lines are cut in the substrate to form the portions. (Col. 4, lines 47-52).

Moreover, there are other distinctions. Pearce does not teach a spine and rigid panels wherein the rotation of each rigid panel is constrained by contact with the spine and is independent of contact with any other surface. FIG. 5 and FIG. 6 depict a cover wherein the rotation of the front cover portion and rear cover portion is not at all constrained by the spine

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portion. With regard to the rejection of claim 22, Pearce contains no teaching that the sum of the angle of the inside edge of the front or rear panel core measured relative to the bottom edge of the front or rear panel core and the angle of the adjacent outside edge of the spine panel core measured relative to the bottom surface of the spine panel core is 90 degrees. Thus, the rejection of independent claims 5, 11 and 22, and claims 6 and 12 which depend therefrom, as being anticipated by Pearce is in error. It is respectfully requested that the rejection of these claims be withdrawn.

Turning to the rejection of claims 13, 14 and 20 under 35 U.S.C. § 103(a) as being obvious to one skilled in the art in view of Pearce, claims 13 and 20, as amended, contain two additional limitations that are not taught by the references. First, the claims require that the outer surfaces of the rigid panels be essentially coplanar with the inner surface of the spine when the cover is opened to a position in which the rigid panels are disposed at 180 degrees with respect to each other. Second, the claims require that the inward rotation of each rigid panel be constrained by contact with the spine and independently of contact with any other surface. The Examiner states that "Pearce discloses all of the elements of the claims but for an express teaching of constructing the width of the space as set forth in claim 13, and for pages as recited in claim 20." (Action, p. 4, cipher 7). This statement is in error. Pearce fails to provide the claimed teachings discussed *supra*. Namely, Pearce fails to teach a spine and two rigid panels wherein the outer surfaces of the rigid panels are essentially coplanar with the inner surface of the spine when the cover is opened to a position in which the rigid panels are disposed at 180 degrees to one another. Also, Pearce fails to teach a spine and rigid panels wherein the rotation of each rigid panel is constrained by contact with the spine and

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independently of contact with any other surface. It would not have been obvious to one skilled in the art to supply these missing claimed teachings. For this reason, the rejection of independent claims 13 and 20, and claim 14 which depends from claim 13, is in error.

Formal drawings will be submitted upon allowance of the Application.

Having dealt with all the rejections raised by the Examiner, Applicant believes that the application is in order for allowance. Early and favorable action is respectfully requested.

A credit card authorization Form PTO-2038 in the amount of \$55.00 in payment of the Petition for One-Month Extension of Time accompanies this Amendment. In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,

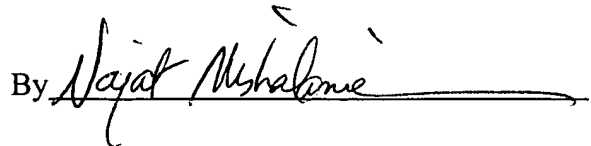


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